

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,292,291 :
Serial No. 10/769,838 :
Inventor: Dunn et al. :
Filed: 02/02/2004 :
Exr: Dudek, James A. : **STATEMENT ACCOMPANYING**
GAU: 2871 : **REQUEST FOR**
Atty. Docket: AME1638-005C : **CERTIFICATE OF CORRECTION**
Title: Flat panel display having :
integral heater, EMI shield, and :
thermal sensors :
:

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This paper accompanies a request for a Certificate of Correction of US Patent 7,292,291, under 35 USC §256. REMARKS begin on page 2.

A "certificate of correction" fee of \$100 is paid herewith. Please charge any fee deficiency to Deposit Account 19-4076.

REMARKS

An application for certificate of correction is made under 35 USC 256 because persons who are not inventors are named as inventors in the issued patent, and the error arose without deceptive intention on the part of any party. The Director is requested to issue a certificate of correction, on Form PTO/SB/44, which is filed herewith, to correct the error.

The patent application, Ser. No. 10/769,838 ("the '838 application"), was filed on 2 February 2004 and named four inventors in an unsigned declaration. The named inventors were: William R. Dunn (hereinafter "Dunn"), In-Byeong Kang, Keuk-Sang Kwon and Hyoung-Yol Park.

A notice of missing parts was mailed on 30 April 2004. Inventor Dunn, who is an officer of assignee American Panel Corporation ("APC"), attempted to obtain the signatures of Kang, Kwon and Park (hereinafter "the inventor designees"). Unable to obtain their cooperation, Dunn, acting on behalf of APC, filed a petition under 37 CFR 1.47 and the application was allowed to proceed, when the petition was granted on 27 January 2005. The Patent Office mailed notice to each of the inventor designees.

To the best of the knowledge of APC, Dunn and the undersigned attorney, the record in the '838 application is devoid of any appearance or response of any sort to the Patent Office, including any declaration of inventorship or assignment of any rights which they might be found to hold, even though more than four years has passed since the inventor designees have been notified by the Patent Office.

Dunn, on the other hand, assigned his entire interest in the invention to APC in an assignment recorded at Reel 015952, Frame 0460. Through *mesne* assignments, ownership of the entire interest has returned to APC in an assignment recorded at Reel 019867, Frame 0130, on 24 September 2007.

The inventor designees are not employees of APC.

The examination of the '838 application proceeded in the Patent Office, resulting in issuance of US Patent 7,292,291 ("the '291 patent") on 6 November 2007.

During a recent discussion of the undersigned attorney with Dunn regarding a related application, the issue of inventorship arose. Dunn now believes that he is the sole and original inventor of the subject matter claimed in the '291 patent, and that

including the inventor designees was an error that was made without deceptive intention. Accordingly, he has signed a Supplemental Declaration on Form PTO/SB/04, which is filed herewith, in which he is listed as the sole inventor of the subject matter which is claimed and for which the '291 patent was granted.

American Panel Corporation is the sole assignee of an undivided interest in the '291 patent, as evidenced by the Statement under 37 CFR 3.73(b), signed by William R. Dunn.

The instant situation is distinguishable from corrections of inventorship requested after a petition under 37 CFR 1.47 in *Baker Hughes Incorporated v Kirk*, 921 F.Supp 801 (DC Dist 1995) and *In re Reissue Application of Reuser, et al*, 2005 WL 5393918 (Comm'r Pat.). In each of those cases, no inventor designee or the assignee of any inventor designee has asserted any ownership interest. If no action is taken to remove the erroneously-named inventor designees, who clearly do not consider themselves to be inventors, the assignee American Panel Corporation will be irreparably harmed.

Dated: 26 March 2009

Respectfully submitted,
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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PATENT NO. : 7,292,291

APPLICATION NO.: 10/769,838

ISSUE DATE : 6 November 2007

INVENTOR(S) : DUNN, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover sheet, at field [75], please delete "William R. Dunn, Alpharetta, GA (US); Keuk-Sang Kwon, Kumi (KR); Hyoung-Yol Park, Kumi (KR); IN-Byeong Kang, Kumi (KR)" and replace with "William R. Dunn, Alpharetta, GA (US)"

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Standley Law Group LLP
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Dublin, OH 43017

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.